

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO ex rel.,
State Engineer,

Plaintiff,

-vs-

ROMAN ARAGON, et al.,

Defendants.

69cv007941-BB

Rio Chama Stream System

Section 1: Chama Mainstream

Ghost Ranch Ditch

Subfile CHCJ-007-0001

MOTION FOR LEAVE TO FILE
OUT-OF-TIME RESPONSE TO
ORDER TO SHOW CAUSE (Doc. 9487)

Presbyterian Church, U.S.A., moves for leave to file its out-of-time response to the Order to show Cause entered herein on August 11, 2009, and requiring a response by September 1, 2009. As grounds Movant would show the Court:

1. Counsel for this defendant received an emailed notice of the Order to Show Cause by the Court's EC/EMF digital filing and service system, but because there was no reference in the email notice to either the subfile number or the name of the water right owner, counsel did not recognize it as pertaining to this defendant, and failed to file a response to it.

2. Many of the emails reflecting EC/EMF filings herein contain references in the email notice to the name of the affected defendant, and counsel was therefore on the lookout for such an email notice, but some, including the present order to show cause, do not, and counsel inadvertently missed it.

3. Presbyterian Church, USA has information respecting its priority which, if believed by the Court, would put its priority

approximately 100 years earlier than the 1889 priority proposed by the Order to Show Cause.

Counsel for the Plaintiff State of New Mexico does not oppose this motion.

WHEREFORE, Presbyterian Church, USA respectfully requests that it have until September 10, 2009 in which to respond to the Order to Show Cause (9487).

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By: /S/Peter B. Shoenfeld (e-filed)
Attorney for Presbyterian
Church, USA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of September, 2009 I filed the foregoing motion electronically through the CM/ECF system which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

By: /S/Peter B. Shoenfeld (e-filed)
Attorney for Presbyterian
Church, USA